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1811-CC01192 - KIM CARPENTER V AMERISTAR CASINO ST CHARLES ET

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	Partie Attorr		Docket Entries	Charg &	es, Judgmer Sentences	nts	Service Information	Filings Due	Scher Hearings	duled & Trials	Civil Judgments	Garnishments/ Execution
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Date - 19-FEB-19; Served Time - 09:37:00; Service Type - Special Process Server; Reason Description - Served; Service Text - Served Shelly Lewis, Corporate Rep

Agent Served

Document ID - 19-SMCC-307; Served To - BOYD GAMING CORPORATION; Server - WATERS, STEPHEN; Served Date - 19-FEB-19; Served Time - 09:37:00; Service Type - Special Process Server; Reason Description - Served; Service Text - Served Shelly Lewis, Corporate Rep

Notice of Service

		Ameristar Summons Returned Executed Upon Shelly Lewis Corporate Rep; Electronic Filing Certificate of Service. Filed By: JOSHUA MICHAEL PIERSON On Behalf Of: KIM CARPENTER
		Notice of Service Boyd TCIV Summons Returned Executed Upon Shelly Lewis Corporate Rep; Electronic Filing Certificate of Service. Filed By: JOSHUA MICHAEL PIERSON
		Notice of Service Boyd Gaming Summons Returned Executed Upon Shelly Lewis Corporate Rep; Electronic Filing Certificate of Service. Filed By: JOSHUA MICHAEL PIERSON
02/14/2019		Alias Summons Issued Document ID: 19-SMCC-311, for PINNACLE ENTERTAINMENT, INC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. DH
		Alias Summons Issued Document ID: 19-SMCC-310, for PNK (RIVER CITY), LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. DH
		Alias Summons Issued Document ID: 19-SMCC-309, for PENN NATIONAL GAMING, LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. DH
		Alias Summons Issued Document ID: 19-SMCC-308, for BOYD TCIV, LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. DH
	0	Alias Summons Issued Document ID: 19-SMCC-307, for BOYD GAMING CORPORATION. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. DH
		Alias Summons Issued Document ID: 19-SMCC-306, for AMERISTAR CASINO ST. CHARLES, LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. DH
		Return Service - Other Document ID - 18-SMCC-2043; Served To - BOYD TCIV, LLC; Server - ; Served Date - 14-FEB-19; Served Time - 00:00:00; Service Type - Other; Reason Description - Recalled for Re-Issuance; Service Text - Summons recalled for re-issuance, per attorney's request.
		Return Service - Other Document ID - 18-SMCC-2042; Served To - BOYD GAMING CORPORATION; Server - ; Served Date - 14-FEB-19; Served Time - 00:00:00; Service Type - Other; Reason Description - Recalled for Re-Issuance; Service Text - Summons recalled for re-issuance, per attorney's request.
		Return Service - Other Document ID - 18-SMCC-2041; Served To - AMERISTAR CASINO ST. CHARLES, LLC; Server - ; Served Date - 14-FEB-19; Served Time - 00:00:00; Service Type - Other; Reason Description - Recalled for Re-Issuance; Service Text - Summons recalled for re-issuance, per attorney's request.
		Alias Summons Requested Request for Alias Summons for Defendants; Electronic Filing Certificate of Service. Filed By: JOSHUA MICHAEL PIERSON On Behalf Of: KIM CARPENTER
01/17/2019		<u>Summons Returned Non-Est</u> Document ID - 18-SMCC-2044; Served To - PENN NATIONAL GAMING, LLC; Server - ; Served Date - 17-JAN-19; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Insufficient Service Info; Service Text - Non-est, insufficient address.

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Ca	ase:	4:19-cv-00544-SNLJ Doc. #: 1-1 Filed: 03/21/19 Page: 3 of 12 PageID #: 43
		<u>Summons Returned Non-Est</u> Document ID - 18-SMCC-2046; Served To - PINNACLE ENTERTAINMENT, INC; Server - ; Served
		Date - 17-JAN-19; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Insufficient Service Info; Service Text - Non-est, insufficient address.
		Summons Returned Non-Est
		Document ID - 18-SMCC-2045; Served To - PNK (RIVER CITY), LLC; Server - ; Served Date - 17-JAN-19; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Insufficient Service Info; Service Text - Non-est, insufficient address.
		Notice of Service Summons Returned Non est for Penn National Gaming LLC; Electronic Filing Certificate of Service.
	0	Notice of Service Summons Returned Non est for Pinnacle Entertainment Inc; Electronic Filing Certificate of Service.
		Notice of Service Summons Returned Non est for PNK LLC; Electronic Filing Certificate of Service.
4010710040	(3)	Summons Issued-Circuit
12/21/2016		Document ID: 18-SMCC-2046, for PINNACLE ENTERTAINMENT, INC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CLM
		Summons Issued-Circuit
		Document ID: 18-SMCC-2045, for PNK (RIVER CITY), LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CLM
		Document ID: 18-SMCC-2044, for PENN NATIONAL GAMING, LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CLM
		Summons Issued-Circuit
		Document ID: 18-SMCC-2043, for BOYD TCIV, LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CLM
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	, wronning,	Document ID: 18-SMCC-2042, for BOYD GAMING CORPORATION. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CLM
		Summons Issued-Circuit
		Document ID: 18-SMCC-2041, for AMERISTAR CASINO ST. CHARLES, LLC. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CLM
12/20/2018		Entry of Appearance Filed
		Ferne P Wolf Entry of Appearance ON BEHALF OF PLAINTIFF
		Filed By: FERNE PAULA WOLF
	construction.	On Behalf Of: KIM CARPENTER
		Entry of Appearance Filed
		Jill A Silverstein Entry of Appearance ON BEHALF OF PLAINTIFF Filed By: JILL A SILVERSTEIN
		On Behalf Of: KIM CARPENTER
		Filing Info Sheet eFiling
	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Filed By: JOSHUA MICHAEL PIERSON
		Entry of Appearance Filed
		Joshua M Pierson Entry of Appearance NO BEHALF OF PLAINTIFF
		Filed By: JOSHUA MICHAEL PIERSON On Behalf Of: KIM CARPENTER
		Pet Filed in Circuit Ct
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Petition; Exhibit 1; Exhibit 2.

Judge Assigned

Case.net Version 5.14.0.6

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Released 12/31/2018

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY STATE OF MISSOURI

Kim Carpenter,)
Plaintiff,)
v.) Case No.:) JURY TRIAL DEMANDE D
Ameristar Casino St. Charles, LLC,)
Boyd Gaming Corporation,)
Boyd TCIV, LLC,)
Penn National Gaming, Inc.)
PNK (River City), LLC, and)
Pinnacle Entertainment, Inc.,)
)
Defendants.)

PETITION

 Plaintiff brings this case under the Missouri Human Rights Act, RSMO 213.010, et seq., and under Missouri's Workers' Compensation Act, RSMo 287.780.

Jurisdiction, Venue, and the Parties

- 2. The amount in controversy exceeds \$25,000.
- 3. Plaintiff is a Missouri citizen, residing and physically present in Missouri and possessing an indefinite intention to remain.
- 4. Ameristar Casino St. Charles, LLC ("Ameristar") and PNK (River City), LLC ("River City") are Missouri corporations, incorporated in Missouri and with their principal place of business in Missouri.
- 5. Boyd Gaming Corporation ("Boyd Gaming"), Boyd TCIV, LLC ("Boyd TCIV"), Penn National Gaming, Inc. ("Penn"), and Pinnacle Entertainment, Inc. ("Pinnacle") are foreign corporations authorized to do business in Missouri.

- 6. Ameristar, Pinnacle, and River City employed plaintiff and are "employers" within the meaning of chapters 213 and 287.
- 7. Boyd Gaming, Boyd TCIV, and Penn are "employers" within the meaning of chapters 213 and 287 and may be successors to Pinnacle's liabilities, including any liabilities arising out of plaintiff's claims.
- 8. The acts of discrimination were committed in St. Charles County, and plaintiff was damaged in St. Charles County.

Administrative Posture

- 9. On March 18, 2018 plaintiff filed a Charge of Discrimination with the Missouri Commission on Human Rights. The Charge is attached as Exhibit 1 and plaintiff incorporates it herein.
- 10. The Commission issued plaintiff a notice of right to sue on November 20, 2018.

 The notice of right to sue is attached as Exhibit 2.
- 11. Plaintiff files suit within ninety days of the date of her right to sue notice.
- 12. Plaintiff exhausted all administrative prerequisites to suit.

Common Allegations

- 13. Plaintiff is a woman.
- 14. Defendants treat male employees better than female employees, tolerating behavior not tolerated in women and cultivating a sexist social atmosphere to the benefit of men.
- 15. Plaintiff worked for defendant since 2007 and was defendant's Director of Sales at the time her employment ended.

- 16. On March 1, 2018, defendants gave plaintiff a positive performance review.
- 17. On March 9, 2018, defendants gave plaintiff a substantial bonus due to her job performance.
- 18. On April 5, 2018, plaintiff complained to Jan Carpineto, one of her supervisors that:
 - A. Ward Shaw, Ameristar's General Manager and another of plaintiff's supervisors, became angry with plaintiff for booking a nightclub event. Shaw was upset because the event involved primarily black people, and Shaw told plaintiff he never wanted plaintiff to book a nightclub event for all black people.
 - B. Defendants have a sexist culture and that many of plaintiff's coworkers felt similarly.
 - C. Plaintiff previously complained of sexual harassment and nothing had been done, despite plaintiff's repeated follow-up inquiries.
- 19.On April 5, 2018, plaintiff spoke to the risk manager at River City regarding a workers' compensation claim for herself.
- 20. Defendant's risk manager scheduled a doctor's appointment for plaintiff on April 6, 2018.
- 21. Plaintiff had her doctors' appointment on the morning of April 6th.
- 22. In the afternoon on April 6, 2018, defendants fired plaintiff telling her she was not a "good cultural fit."

23. Defendants never criticized or disciplined plaintiff for being a poor "cultural fit" prior to April 6, 2018.

Count I—MHRA Retaliation

- 24. Plaintiff incorporates Paragraphs 1 through 23 as though set forth here.
- 25. Defendants fired plaintiff because she complained of sex and race discrimination.
- 26. Defendants' conduct directly caused damage to plaintiff.
- 27. Defendants acted with evil motive and in reckless indifference to the rights of others.

WHEREFORE, plaintiff prays the Court enter its Order, Judgment, and Decree awarding her reinstatement, or equitable front pay in lieu thereof; lost income and benefits; compensatory damages; punitive damages; reasonable attorneys' fees and costs; and such other relief as the Court deems just.

Count II—Sex Discrimination

- 28. Plaintiff incorporated Paragraphs 1 through 23 as though set forth here.
- 29. Defendant fired plaintiff because she is a woman.
- 30. Defendants' conduct directly caused damage to plaintiff.
- 31. Defendants acted with evil motive and in reckless indifference to the rights of others.

WHEREFORE, plaintiff prays the Court enter its Order, Judgment, and Decree awarding her reinstatement, or equitable front pay in lieu thereof; lost income and

benefits; compensatory damages; punitive damages; reasonable attorneys' fees and costs; and such other relief as the Court deems just.

Count III—Workers' Compensation Retaliation

- 32. Plaintiff incorporated Paragraphs 1 through 23 as though set forth here.
- 33. Plaintiff was employed by defendants.
- 34. Plaintiff exercised rights under Missouri's Workers' Compensation Act.
- 35. Defendants discharged plaintiff.
- 36. Plaintiff's exercise of rights under Missouri's Workers' Compensation Act actually played a role in and had a determinative influence on plaintiff's discharge.
- 37. Defendants' discharge of plaintiff directly caused damage to plaintiff.

 WHEREFORE, plaintiff prays the Court enter its Order, Judgment, and Decree awarding her reinstatement, or equitable front pay in lieu thereof; lost income and benefits; compensatory damages; punitive damages; and such other relief as the Court deems just.

/s/ Joshua M. Pierson SOWERS & WOLF, LLC Joshua M. Pierson, 65105 jp@sowerswolf.com 530 Maryville Centre Dr., Suite 460 St. Louis, Missouri 63141 Phone: (314) 744-4010

Facsimile: (314) 744-4026

CHARGE OF DIS This form is affected by the Privacy Act of 1974; Se this form.		AGENCY FEP X EEC	1811-C 560-2	C01192				
MISSOURI COMMISSION ON HUMAN RIGHTS and EEOC								
MISSOURI COMMISSION ON HUMAN RIGHTS State or local Agency, if any								
NAME(Indicate Mr., Ms., Mrs.)		HOME TELEPHONE (Include Area Code)						
Kim Carpenter STREET ADDRESS	CITY, STATE	AND ZIP CODE		DATE OF BIRTH				
NAMED IS THE EMPLOYER, LABOR ORGA AGENCY WHO DISCRIMINATED AGAINST	NIZATION, EMPLOYMENT AGENCY, A	PPRENTICESHIP C	OMMITTEE, STATE OR I	LOCAL GOVERNMENT				
NAME	NUMBER OF EMPLOYEES, MEMBER 500+	S		clude Area Code) S				
Pinnacle Entertainment, Inc. STREET ADDRESS	CITY, STATE	AND ZIP CODE	1.02	COUNTY				
Registered Agent: CT Corporation S CAUSE OF DISCRIMINATION BASED ON (RACE COLOR		AGE	DATE DISCRIMINATIO EARLIEST (ADEA/EPA					
X RETALIATION ORI	DIOADILITY/	OTHER (Specify)	CONTINU	ING ACTION				
THE PARTICULARS ARE (If additional paper is needed, ettach extra sheel(s)): Additional respondent: • Ameristar Casino St. Charles, LLC, One Ameristar Blvd., St. Charles, MO 63301 (636) 940-4300. • PNK (River City), LLC, Registered Agent: CT Corporation System, 120 S. Central Ave., Clayton, MO 63105. I worked for Respondents in Missouri since January 2007. I was a Director of Sales when Respondents terminated my employment. I received positive performance reviews throughout my employment, including one on March 1, 2018. I also received a substantial performance bonus on March 9, 2018. On April 5, 2018, I complained to my direct supervisor, Jan Carpineto, of multiple instances of race and sex discrimination. I told Carpineto of an instance when the Ameristar Casino's Vice President and General Manager, Ward Shaw, became angry with me because I booked a nightclub event for a primarily black audience. Shaw told me he never wanted me to book the nightclub for a group of all black people. I also told Carpineto that Respondents had a sexist culture and that many of the female directors felt like they were treated differently than male directors. The following day, April 6, 2018, Ward Shaw and Stacey Lutgen fired me, telling me I was not a "good cultural fit." Shortly before my termination I also made a workers' compensation claim. Before arriving at work the day Respondents fired me, I saw a doctor for my injury in an appointment Respondents scheduled for me. I believe I was fired because of my sex, in retaliation for making complaints of sex and race discrimination, and								
because I filed a workers' compensation claim. I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in								
and I will cooperate fully with their procedures. I declare under penalty of perjury that the foregoing is true and correct. I swear or affirm that I have read the above charge and that it is best of my knowledge, information and belief.SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE MISSOULD (Day, month, and year) Commission # 17341751 Date Charging Party (Signature)								

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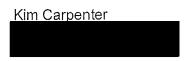
1811-CC01192



MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON GOVERNOR ANNA S, HUI DEPARTMENT DIRECTOR MELODY A. SMITH, ED.D. ACTING COMMISSION CHAIR ALISA WARREN, PH.D. EXECUTIVE DIRECTOR

November 20, 2018



RE: Carpenter vs. PNK (River City,) LLC et al

FE-5/18-28366 560-2018-02127

FE-5/18-28366
Administrative Use/Records

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period for any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of this complaint and MCHR has not completed its administrative processing.

(continued on next page)

3315 W. TRUMAN BLVD. P.O. BOX 1129 JEFFERSON CITY, MO 65102-1129 PHONE: 573-751-3325

111 N. 7th Street, Suite 903 St. Louis, MO 63101-2100 PHONE; 314-340-7590 FAX: 314-340-7238 P,O. Box 1300 Ozark, MO 65721-1300 Fax: 417-485-6024 1410 GENESSEE, SUITE 260
KANSAS CITY, MO 64102

FAX: 816-889-3582

106 ARTHUR STREET
SUITE D
SIKESTON, MO 63801-5454
FAX: 573-472-5321

FAX: 573-751-2905
Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711

www.labor.mo.gov/mohumanrights E-Mail: mchr@labor.mo.gov

RE: Carpenter vs. PNK (River City,) LLC et al FE-5/18-28366 560-2018-02127

In addition to the process described above, if any party is aggrieved by this decision of the MCHR, that party may appeal the decision by filing a petition under § 536.150 of the Revised Statutes of Missouri in state circuit court. Any such petition must be filed in the circuit court of Cole County.

Respectfully,

Alisa Warren, Ph.D. Executive Director

PNK (River City,) LLC; Pinnacle Entertainment, Inc. Registered Agent: CT Corporation System 120 S. Clayton Ave. Clayton, MO 63105

Ameristar Casino St. Charles, LLC One Ameristar Blvd. St. Charles, MO 63301

Katie Teeter 530 Maryville Centre Drive, Suite 460 St. Louis, MO 63141 Via email